UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

WORCESTER, ss.		
)	
In re:)	Chapter 7
)	Case No. 23-40709-CJP
WESTBOROUGH SPE LLC,)	
)	
Debtor.)	
)	

MOTION FOR INTERIM DISTRIBUTION

Dear Honorable Christopher J. Panos:

I, Lolonyon Akouete, a creditor in the above-referenced bankruptcy case, respectfully submit this Motion for Interim Distribution pursuant to FRBP 3009 and the circumstances detailed herein.

Background:

- 1. On August 31, 2023, Petitioning Creditors Nathanson & Goldberg, P.C. and MobileStreet Trust commenced this involuntary Chapter 7 bankruptcy proceeding against the Debtor.
- 2. On October 11, 2023, an Order for Relief under Chapter 7 of the Bankruptcy Code was entered regarding Westborough SPE LLC (the "Debtor").
- 3. On October 12, 2023, Jonathan Goldsmith was duly appointed as the Chapter 7 Trustee for the Debtor's bankruptcy estate.
- 4. On October 12, 2023, a Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines was filed by the Clerk, requiring all claims to be filed by January 9, 2024. The claims bar date has passed, and seven unsecured claims have been filed.
- 5. On January 4, 2024, I, Lolonyon Akouete, filed a Motion seeking Court Assistance in Recovering Unclaimed Funds For the Benefit of the Bankruptcy Estate.
- 6. On January 5, 2024, the court denied the motion and advised the Trustee to file a turnover request, in addition to filing a status report within 30 days.
- 7. On February 2, 2024, the Trustee filed a Motion to Compel the California State Controller to Surrender to the Trustee Property of the Estate.
- 8. On February 8, 2024, the Trustee confirmed that he is in receipt of the \$1,293,646.83 unclaimed funds from California.
- 9. The estate has \$1,293,646.83 on deposit, and it is reasonable to believe that further funds will be recovered as part of the sale of the 231 Turnpike Rd property.
- 10. The Debtor has critical financial obligations, and I previously requested court assistance in obtaining the Debtor's funds from California.

Request for Relief:

Based on the foregoing, I respectfully request that the Court enter an order permitting an interim distribution in this case as follows:

- 1. Darin Clagg: \$10,000.00
- 2. Ferris Development Group, LLC: \$10,000.00

- 3. Matthew A. Morris Sherin and Lodgen LLP: \$20,000.00
- 4. Lolonyon Akouete: \$250,000.005. Denise Edwards: \$150,000.00
- 6. The MobileStreet Trust: \$367,131.007. Nathanson & Goldberg, P.C.: \$101,692.83

Total: \$908,823.83

The bankruptcy estate will still have \$384,823.00 to cover Trustee Compensation and administrative expenses.

Conclusion:

Interim distributions in this case are necessary to address the critical financial obligations of the Debtor and to provide some relief to creditors. The funds currently available in the estate, along with the potential for further recovery, justify the proposed interim distribution plan.

WHEREFORE, I respectfully request that this Honorable Court enter an order granting the Motion for Interim Distribution as set forth herein and for such other and further relief as the Court deems just and proper.

DATED: February 11, 2024, Respectfully submitted:

By creditor,

ALE HOME

Lolonyon Akouete 800 Red Milles Rd Wallkill NY 12589 info@smartinvestorsllc.com (443) 447-3276

CERTIFICATE OF SERVICE

I, Lolonyon Akouete, a creditor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

Stephen F. Gordon, Attorney of the Petitioners

(Email: sgordon@gordonfirm.com)

The Gordon Law Firm LLP

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Scott A. Schlager on behalf of,

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